

By: Ellis

S.B. No. 2012

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of a fee on conviction of a criminal  
3 offense and on the filing of a civil case to support indigent  
4 defendant programs.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 133.003, Local Government Code, is  
7 amended to read as follows:

8 Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
9 following criminal fees:

10 (1) the consolidated fee imposed under Section  
11 133.102;

12 (2) the time payment fee imposed under Section  
13 133.103;

14 (3) fees for services of peace officers employed by  
15 the state imposed under Article 102.011, Code of Criminal  
16 Procedure, and forwarded to the comptroller as provided by Section  
17 133.104;

18 (4) costs on conviction imposed in certain statutory  
19 county courts under Section 51.702, Government Code, and deposited  
20 in the judicial fund;

21 (5) costs on conviction imposed in certain county  
22 courts under Section 51.703, Government Code, and deposited in the  
23 judicial fund;

24 (6) the administrative fee for failure to appear or

1 failure to pay or satisfy a judgment imposed under Section 706.006,  
2 Transportation Code;

3 (7) fines on conviction imposed under Section  
4 621.506(g), Transportation Code;

5 (8) the fee imposed under Article 102.0045, Code of  
6 Criminal Procedure; ~~and~~

7 (9) the cost on conviction imposed under Section  
8 133.105 and deposited in the judicial fund; and

9 (10) the cost on conviction imposed under Section  
10 133.107.

11 SECTION 2. Section 133.004, Local Government Code, is  
12 amended to read as follows:

13 Sec. 133.004. CIVIL FEES. This chapter applies to the  
14 following civil fees:

15 (1) the consolidated fee on filing in district court  
16 imposed under Section 133.151;

17 (2) the filing fee in district court for basic civil  
18 legal services for indigents imposed under Section 133.152;

19 (3) the filing fee in courts other than district court  
20 for basic civil legal services for indigents imposed under Section  
21 133.153;

22 (4) the filing fees for the judicial fund imposed in  
23 certain statutory county courts under Section 51.702, Government  
24 Code;

25 (5) the filing fees for the judicial fund imposed in  
26 certain county courts under Section 51.703, Government Code;

27 (6) the filing fees for the judicial fund imposed in

1 certain statutory probate courts under Section 51.704, Government  
2 Code;

3 (7) fees collected under Section 118.015;

4 (8) marriage license fees for the family trust fund  
5 collected under Section 118.018;

6 (9) marriage license or declaration of informal  
7 marriage fees for the child abuse and neglect prevention trust fund  
8 account collected under Section 118.022; ~~and~~

9 (10) the filing fee for the judicial fund imposed in  
10 district court, statutory county court, and county court under  
11 Section 133.154; and

12 (11) the filing fee imposed in district court,  
13 statutory county court, and county court under Section 133.155.

14 SECTION 3. Subchapter C, Chapter 133, Local Government  
15 Code, is amended by adding Section 133.107 to read as follows:

16 Sec. 133.107. FEE FOR SUPPORT OF PROGRAMS FOR INDIGENT  
17 DEFENDANTS. (a) A person convicted of any offense, other than an  
18 offense relating to a pedestrian or the parking of a motor vehicle,  
19 shall pay as a court cost, in addition to all other costs, a fee of  
20 \$2 to be used for programs serving indigent defendants.

21 (b) The treasurer shall remit the fees collected under this  
22 section to the comptroller in the manner provided by Subchapter B.  
23 The comptroller shall deposit the fees as provided by Subsection  
24 (c).

25 (c) The comptroller shall:

26 (1) credit 50 percent of the remitted fees to the  
27 credit of the judicial fund for programs approved by the supreme

1 court that provide basic civil legal services to the indigent; and  
2 (2) credit 50 percent of the remitted fees to the fair  
3 defense account established under Section 71.058, Government Code,  
4 to be used, subject to all requirements of Section 71.062,  
5 Government Code, for demonstration or pilot projects that develop  
6 and promote best practices for the efficient delivery of quality  
7 representation to indigent defendants in criminal cases at trial,  
8 on appeal, and in postconviction proceedings.

9 SECTION 4. Subchapter D, Chapter 133, Local Government  
10 Code, is amended by adding Section 133.155 to read as follows:

11 Sec. 133.155. ADDITIONAL FILING FEE IN DISTRICT COURT,  
12 STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF PROGRAMS FOR  
13 INDIGENT DEFENDANTS. (a) In addition to other fees authorized or  
14 required by law, the clerk of a district court, statutory county  
15 court, or county court shall collect a fee of \$5 on the filing of any  
16 civil suit to be used to support programs for indigent defendants.

17 (b) The treasurer shall remit the fees collected under this  
18 section to the comptroller in the manner provided by Subchapter B.  
19 The comptroller shall deposit the fees as provided by Subsection  
20 (c).

21 (c) The comptroller shall:

22 (1) credit 50 percent of the remitted fees to the  
23 credit of the judicial fund for programs approved by the supreme  
24 court that provide basic civil legal services to the indigent; and

25 (2) credit 50 percent of the remitted fees to the fair  
26 defense account established under Section 71.058, Government Code,  
27 to be used, subject to all requirements of Section 71.062,

1 Government Code, for demonstration or pilot projects that develop  
2 and promote best practices for the efficient delivery of quality  
3 representation to indigent defendants in criminal cases at trial,  
4 on appeal, and in postconviction proceedings.

5 SECTION 5. Subchapter D, Chapter 101, Government Code, is  
6 amended by adding Section 101.063 to read as follows:

7 Sec. 101.063. DISTRICT COURT FEES: ADDITIONAL FILING FEE  
8 FOR SUPPORT OF INDIGENT DEFENDANT PROGRAMS. The clerk of a district  
9 court shall collect on the filing of a civil suit an additional  
10 filing fee of \$5 under Section 133.155, Local Government Code, to be  
11 used for support of indigent defendant programs.

12 SECTION 6. Subchapter E, Chapter 101, Government Code, is  
13 amended by adding Section 101.084 to read as follows:

14 Sec. 101.084. STATUTORY COUNTY COURT FEES: ADDITIONAL  
15 FILING FEE FOR SUPPORT OF INDIGENT DEFENDANT PROGRAMS. The clerk of  
16 a statutory county court shall collect on the filing of a civil suit  
17 an additional filing fee of \$5 under Section 133.155, Local  
18 Government Code, to be used for support of indigent defendant  
19 programs.

20 SECTION 7. Subchapter G, Chapter 101, Government Code, is  
21 amended by adding Section 101.124 to read as follows:

22 Sec. 101.124. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR  
23 SUPPORT OF INDIGENT DEFENDANT PROGRAMS. The clerk of a county court  
24 shall collect on the filing of a civil suit an additional filing fee  
25 of \$5 under Section 133.155, Local Government Code, to be used for  
26 support of indigent defendant programs.

27 SECTION 8. Subchapter B, Chapter 102, Government Code, is

1 amended by adding Section 102.023 to read as follows:

2 Sec. 102.023. COURT COST ON CONVICTION FOR SUPPORT OF  
3 INDIGENT DEFENDANT PROGRAMS. A person convicted of any offense,  
4 other than an offense relating to a pedestrian or the parking of a  
5 motor vehicle, shall pay a cost on conviction of \$2 under Section  
6 133.107, Local Government Code.

7 SECTION 9. The imposition of a cost of court under Section  
8 133.107, Local Government Code, as added by this Act, applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 covered by the law in effect when the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before the effective date of  
14 this Act if any element of the offense was committed before that  
15 date.

16 SECTION 10. This Act takes effect September 1, 2007.